

Chapter 13

Debtors.

. **NOTICE OF CREDITOR'S MOTION FOR**
 . **RELIEF FROM AUTOMATIC STAY**
 . **PURSUANT TO 11 U.S.C. SECTION 362 (d) (1)**
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TO:

David Sacco and
Susan E. Sacco (Debtors)
3 Pulaski Road
Whitehouse Station, NJ 08889

PLEASE TAKE NOTICE that on May 17, 2005, at 9:00 a.m., or as soon thereafter as counsel may be heard, Deily, Mooney & Glastetter, LLP, attorneys for DCFS Trust, the within creditor ("Creditor"), shall move before the Honorable Raymond T. Lyons, United States Bankruptcy Judge, at the United States Bankruptcy Court, Clarkson S. Fisher Federal Bldg. & Courthouse, 402 East State Street, Trenton, NJ 08608, for an Order pursuant to 11 U.S.C. Section 362(d)(1) granting such Creditor relief from automatic stay or, in the alternative, directing the Debtors, above-named, to immediately provide for the adequate protection of any property subject to the interests of such Creditor; for costs and disbursements of this action, waiver of the requirement of

F.R.B.P. Rule 4001 that requires that the order Granting Relief from the Automatic Stay be effective ten days from the date of entry of said Order and for such other and further relief as to the Court may seem just and proper.

PLEASE TAKE FURTHER NOTICE that in support of the Motion, the undersigned shall rely on the accompanying Motion of Linda S. Fossi, Esq. A proposed form of Order is also being submitted. A Memorandum of Law has not been submitted because the issues raised by the Motion are not extraordinary or unusual necessitating the filing of legal briefs.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion shall: (i) be in writing; (ii) specify with particularity the basis of the objection; and (iii) be filed with the Clerk, United States Bankruptcy Court, Clarkson S. Fisher Federal Bldg. & Courthouse, 402 East State Street, Trenton, NJ 08608 and simultaneously served on Creditor's counsel, Deily, Mooney & Glastetter, LLP, One Greentree Centre, Suite 201, Marlton, NJ 08053 (Attention: Linda S. Fossi, Esq.) so as to be received no later than seven (7) days before the return date set forth herein.

PLEASE TAKE FURTHER NOTICE that unless objections are timely filed and served, the Motion shall be deemed uncontested in accordance with D.N.J. LBR 9013-1(a) and the relief requested may be granted without a hearing.

PLEASE TAKE FURTHER NOTICE that counsel hereby requests oral argument in accordance with D.N.J. LBR 9013-1 (f) in the event opposition papers are timely filed.

Dated: April 18, 2005

DEILY, MOONEY & GLASTETTER, LLP
Attorneys for DCFS Trust
Chapter 13 Creditor

By: \s\ Linda S. Fossi
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